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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,769	04/30/2001	Ken Ikoma	33555	2183

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/830,769

Applicant(s)

IKOMA ET AL.

Examiner

Yogesh K Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 2-8 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 4, 5, 8, 2, 3/2 and 3/8 are rejected under 35 U.S.C. 102 (a) as being anticipated by Katsuji (JP Patent # 11-239356).

[Claim 4]

Katsuji teaches a method of switching an optical filter (figure 3, elements 2 and 3) of a camera, said method comprising the steps of forming an image on an image pick-up element (5) through a lens (1) provided on a camera body and converting the image into an electrical signal through the image pick-up element, thereby obtaining an image signal (Paragraph 22). Katsuji further teaches detecting a level of the image signal (V0) output from the image pick-up element (5) by detecting means (Paragraphs 41-48, microcomputer 9 acts as the detecting means and compares the threshold V0 output from the signal processing 6 with the luminance sensor output Vs, See figure 4, steps S11-S12) and automatically switching between a first optical filter (infra-red filter) and a second optical filter (dummy glass) through optical filter switching means (FC, a

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filter change-over signal is input to a motor 10 from the detecting means 9 to switch between a infra-red filter 2 and dummy glass 3 based upon a comparison between  $V_0$  and  $V_s$ ) provided on a front surface of the image pick-up element 5 depending on the signal level detected by the detecting means (Paragraphs 47-52, figure 4, steps S14-S17).

[Claim 5]

Katsuji teaches that the first optical filter (2) is an IR cut filter used for color output and the second filter dummy glass 3 used for black and white output (Paragraph 49, Also in applicant's specification, IR cut off filter is inserted for color output). Katsuji further teaches that the color filter is switched during is used during daytime when the exterior brightness is brighter and monochrome camera using the dummy glass filter during night (Paragraph 56).

[Claim 8]

Katsuji teaches a lens (1) provided on a camera body, a lens (figure 4, lens 1) provided on a camera body, an image pick-up element (5) for converting an image is provided by the lens into an electrical image signal; a first optical filter (2); a second optical filter (3); and optical filter switching mechanism (FC, a filter change-over signal is input to a motor 10 from the detecting means 9 to switch between a infra-red filter 2 and dummy glass 3 based upon a comparison between  $V_0$  and  $V_s$ ) for selectively positioning one of the first optical filter and the second optical filter in front of the image pick-up element based on a level of the image signal (Paragraphs 47-52, figure 4, steps S14-S17).

[Claim 2]

This is an apparatus claim corresponding to method claim 5. Therefore it has been analyzed and rejected based upon method claim 5.

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[Claim 3/2, 3/8]

Katsuji teaches detecting means level of the image signal (V0) output from the image pick-up element (5) by detecting means (Paragraphs 41-48, microcomputer 9 acts as the detecting means and compares the threshold V0 output from the signal processing 6 with the luminance sensor output Vs, See figure 4, steps S11-S12) and automatically switching between a first optical filter (infra-red filter) and a second optical filter (dummy glass) through optical filter switching means (FC, a filter change-over signal is input to a motor 10 from the detecting means 9 to switch between a infra-red filter 2 and dummy glass 3 based upon a comparison between V0 and Vs) provided on a front surface of the image pick-up element 5 depending on the signal level detected by the detecting means (Paragraphs 47-52, figure 4, steps S14-S17).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuji (JP Patent # 11-239356) in view of Fukushima (US Patent # 5,903,700).

[Claims 6 and 7]

Katsuji teaches switching optical filters from first to second or vice-versa depending upon the brightness of the exterior as discussed in claims 4 and 5 but fails to teach, “.... outputting character information indicating the switching from display means to a monitor, displaying the character information together with an image shot by the camera, on a screen of the monitor

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wherein character information indicating that a black-and-white image is displayed on the monitor when said image shot by the camera is automatically switched from a color image to a black-and-white image after detecting an image pickup environment”. However Fukushima teaches that it is well known in the art to have an icon for a particular camera be displayed on the monitor 100 wherein a colored icon represents a color camera and a black and white icon represents B/W camera together with an image shot by the camera (col. 10 lines 41-46). In light of the teachings of Fukushima and Katsuji, it would have been obvious to one skilled in the art at the time of the invention to have an icon be replaced with characters to show the switching information from B/W to color camera and character information about the black-and-white image be displayed on a monitor. The benefit of doing so would be to discriminate between a color camera and a black-and-white camera as taught in Fukushima (col. 10 lines 41-42).

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
March 21, 2005

  
TUAN HO  
PRIMARY EXAMINER